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Filing date: **07/14/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91170028
Party	Defendant Altair Relocation, Inc. Altair Relocation, Inc. Suite 400 16000 Dallas Parkway Dallas, TX 75248
Correspondence Address	Cherry J. Hearn Hearn Law Offices P.O. Box 684788 Austin, TX 78768 chearn@hearnlaw.com
Submission	Answer
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Date	07/14/2006
Attachments	Applicant's Answer.pdf (4 pages)(1009740 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial No. 78/495356

Applicant: Altair Relocation, Inc.

Trademark: ALTAIR

Class: 35

Altour International, Inc.,

Opposer,

- against -

Altair Relocation, Inc.,

Applicant.

Opposition No.: 91170028

ANSWER

APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION

In response to the Notice of Opposition issued by the Board on March 27, 2006, Altair Relocation, Inc. ("Applicant") hereby responds to Altour International, Inc. ("Opposer") as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 1 of the Notice of Opposition, and therefore denies same.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 2, and therefore denies same.
3. Applicant admits the allegations in Paragraph 3.
4. Applicant admits the allegations in Paragraph 4.
5. Applicant admits the allegations in Paragraph 5.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 6, and therefore denies same.

7. Applicant admits the allegations in Paragraph 7.

8. Applicant admits that its application states that the date the ALTAIR mark was first used in commerce was October 5, 2004; however, Applicant is without knowledge or information sufficient to form a belief regarding the remaining allegations in Paragraph 8 concerning the length of time that Applicant's use occurred subsequent to Opposer's first use of its ALTOUR mark.

9. Applicant denies the allegations in Paragraph 9.

10. Applicant denies the allegations in Paragraph 10.

11. Applicant denies the allegations in Paragraph 11.

12. Applicant denies the allegations in Paragraph 12.

AFFIRMATIVE DEFENSES

In further answer to the Notice of Opposition, Applicant asserts that:

FIRST AFFIRMATIVE DEFENSE

Opposer's Notice of Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.

SECOND AFFIRMATIVE DEFENSE

Applicant is entitled to registration of its ALTAIR mark for use with its services for the management of employee relocation programs of others, even if the ALTAIR application is amended to exclude travel agency services.

THIRD AFFIRMATIVE DEFENSE

Applicant's use of its mark will not mistakenly be thought by the public to derive from the same source as Opposer's services, nor will such use be thought by the public to be a use by Opposer or with Opposer's authorization or approval, due to the parties' different channels of trade.

FOURTH AFFIRMATIVE DEFENSE

Applicant's mark is sufficiently and distinctively different from Opposer's marks to avoid confusion, deception or mistake as to the source or sponsorship or association of Applicant's services.

FIFTH AFFIRMATIVE DEFENSE

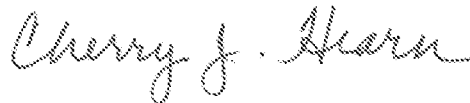
Applicant's mark, when used in connection with Applicant's services, is not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's services by Opposer.

RELIEF REQUESTED

WHEREFORE, Applicant respectfully requests that this opposition proceeding be dismissed with prejudice and that the ALTAIR mark be permitted to register.

Dated: July 14, 2006

Respectfully submitted,

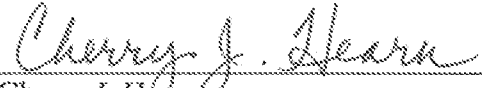


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Applicant's Answer to Opposer's Notice of Opposition** has been served on Opposer Altour International, Inc. by fax and by mailing on July 14, 2005 via first class mail, postage prepaid to Opposer's counsel of record as follows:

Ms. Christy L.E. Hubbard
Lewis and Roca L.P.
40 North Central Avenue
Phoenix, AZ 85004-4429


Cherry J. Hearn